

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 01.04.99

O.A. No. 182/1997

Laxmi Chand Agrawal son of late Shri M.R. Agrawal, aged 59 years, retired Permanent Way Inspector Grade-1, Rs. 2000-3200, resident of Vth/C-134, J.N. Vyas Colony, Bikaner.

... Applicant.

v e r s u s

1. Union of India through the General Manager, Northern Railway, HQ Officer, Baroda House, New Delhi.
2. Chief Administrative Officer (C), Northern Railway, Kashmiri Gate, Delhi.
3. Divisional Railway Manager, Northern Railway, Delhi Division, New Delhi.
4. Deputy Chief Engineer (C), Northern Railway, Jodhpur.
5. Deputy Chief Engineer (C), Northern Railway, Bikaner.

... Respondents.

Mr. Y.K. Sharma, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Singh, Administrative Member.

....

BY THE COURT:

Applicant, Laxmi Chand Agrawal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to release the amount of applicant's Provident Fund, encashment of leave, L.I.C., Pension, commuted value of pension and death-cum-retirement gratuity without further delay with interest at the rate of 12% per annum for the delayed payment.

2. Applicant's case is that while working as Permanent Way Inspector Grade-I in the scale of Rs. 2000-3200, he retired on

Gopal Singh



superannuation on 30.9.96. Since the retirement dues were not paid to the applicant, he has approached this Tribunal through the present O.A.

3. Notices were issued to the respondents and they have filed the reply.

4. I have heard the learned counsel for the parties and perused the records of the case.

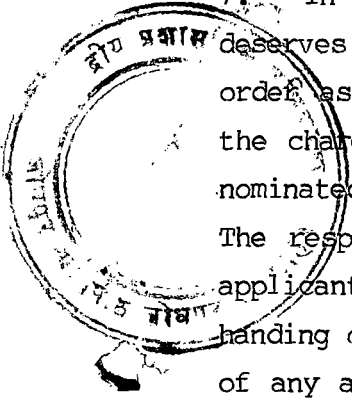
5. At the very outset, I would like to record that the applicant has not approached this Tribunal with clean hands. It is the case of the applicant that he had submitted a letter dated 22.7.96 at Annexure A/1 to the respondents for settling his retirement dues. Receipt of this letter dated 22.7.96 has been refuted by the respondents. Further, it has been submitted by the respondents that the applicant despite repeated directions had not handed over the charge of his post. Furthermore, the applicant was served with a charge-sheet (S.F.5) on 25.9.96 before the retirement of the applicant. It has also been submitted on behalf of the respondents that initially the applicant had refused to accept the charge-sheet, which was ultimately given to him by his superior authorities. As a responsible officer, it was the bounden duty of the applicant to handover the charge of the post to the nominated officer before proceeding on retirement. The applicant has failed to discharged this responsibility. Earlier also, it has been brought on record by the respondents that the applicant while in service had not been submitting stock returns despite repeated reminders. These failures on the part of the applicant have resulted in withholding his retirement dues. The applicant has submitted his pension papers only on 8.1.97 and thereafter, approached this Tribunal on 29.5.97. It has been submitted by the learned counsel for the respondents that the applicant has not till date handedover the charge of his post which he was holding before retirement.

6. In the circumstances, I hold the applicant responsible for withholding his retirement benefits. It is a pre-requisite that a retiring official submits 'No dues Certificate' alongwith his pension papers. Since the applicant had not handed over the charge of his post to the nominated officer, he could not get 'No dues Certificate' and to that extent the pension papers of the applicant remain

Capal Singh

incomplete.

7. In the result, I find that the present O.A. is misconceived and deserves to be dismissed. The O.A. is accordingly dismissed with no order as to costs. However, the applicant is directed to handover the charge of the post he was holding before his retirement to the nominated officer before pressing his claim for pensionary benefits. The respondents are also directed to afford all facilities to the applicant to enable him to handover his charge of the post. After handing over the charge of his post, if the applicant feels aggrieved of any action taken by the respondents in regard to his retirement dues, he will be at liberty to file a fresh O.A., if so advised.



Gopal Singh
 (Gopal Singh)
 Adm. Member

cyr.

2/1/08
R/122
E
7/14/99

Recd
7.4.99

Part II and III destroyed
in my presence on 4.7.06
under the supervision of
section officer () as per
order dated 11.5.06

Section officer (Record)